

1 James R. Condo (#005867)
2 SNELL & WILMER L.L.P.
3 One Arizona Center
4 400 E. Van Buren
Phoenix, AZ 85004-2204
Telephone: (602) 382-6000
4 JCondo@swlaw.com

5 Richard B. North, Jr. (admitted *pro hac vice*)
6 Georgia Bar No. 545599
6 NELSON MULLINS RILEY & SCARBOROUGH, LLP
7 Atlantic Station
7 201 17th Street, NW, Suite 1700
8 Atlanta, GA 30363
8 Telephone: (404) 322-6000
Richard.North@nelsonmullins.com

10 | Attorneys for Defendants
C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

15 IN RE: Bard IVC Filters Products Liability
Litigation MDL NO. 15-02641-PHX-DGC

16

17

18

19

20 **DEFENDANTS C. R. BARD, INC.'S
AND BARD PERIPHERAL
VASCULAR, INC.'S ANSWER AND
GENERAL DENIAL IN RESPONSE
TO PLAINTIFF'S FIRST AMENDED
COMPLAINT IN CASE NO. CV-19-
01895-PHX-DGC; JURY TRIAL
DEMAND**

Defendants C. R. Bard, Inc. (“Bard”) and Bard Peripheral Vascular, Inc. (“BPV”) (Bard and BPV are collectively “Defendants”) hereby file this Answer and General Denial in response to the First Amended Complaint served on Defendants in *Amanda Easter, Representative for the Estate of Joshua Easter v. C. R. Bard, Inc., et al.*, AZ Member Case No. CV-19-01895-PHX-DGC (“Answer and General Denial”). Defendants further reserve the right to file any motion to dismiss for failure to state a claim with respect to this case, as set forth in Amended Case Management Order No. 4.

With respect to the allegations plaintiff(s) raise in *Amanda Easter, Representative for the Estate of Joshua Easter v. C. R. Bard, Inc., et al.*, AZ Member Case No. CV-19-01895-PHX-DGC, Defendants deny, generally and specifically, each and every allegation in plaintiff(s)' Complaint, the whole thereof, and each and every cause of action therein. Defendants further deny that the plaintiff(s) has sustained, or is entitled to recover, damages in any amount alleged or in any sum whatsoever. Defendants further deny that they are liable to the plaintiff in any amount, and further deny that the plaintiff has sustained injury, damage, or loss by reason of any act or omission by Defendants.

As for additional defenses, and without assuming any burden of pleading or proof that would otherwise rest on plaintiff(s), Defendants incorporate by reference the responses and Affirmative Defenses set forth in Defendants' Answer to Plaintiffs' Master Complaint filed in MDL 2641 on December 17, 2015 (Doc. 366). Defendants further reserve the right to raise such other affirmative defenses as may be available or apparent during discovery or as may be raised or asserted by other defendants in this case. Defendants have not knowingly or intentionally waived any applicable affirmative defense. If it appears that any affirmative defense is or may be applicable after Defendants have had the opportunity to conduct reasonable discovery in this matter, Defendants will assert such affirmative defense in accordance with the Federal Rules of Civil Procedure.

REQUEST FOR JURY TRIAL

Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. demand a trial by jury on all issues appropriate for jury determination.

WHEREFORE, Defendants aver that the plaintiff(s) is/are not entitled to the relief demanded in the plaintiff(s)' Complaint, and these Defendants, having fully answered, pray that this action against them be dismissed and that they be awarded their costs in defending this action and that they be granted such other and further relief as the Court deems just and appropriate.

This 16th day of July, 2019.

s/Richard B. North, Jr.

Richard B. North, Jr.

Georgia Bar No. 545599

NELSON MULLINS RILEY & SCARBOROUGH, LLP

Atlantic Station

201 17th Street, NW / Suite 1700

Atlanta, GA 30363

PH: (404) 322-6000

FX: (404) 322-6050

Richard.North@ncl.ac.uk

James R. Condo (#005867)
SNELL & WILMER, L.L.P.

SNELL & WILMER L.L.P.
One Arizona Center

One Arizona Center
400 E. Van Buren

400 E. Van Buren
Phoenix, AZ 85004-2204

Phoenix, AZ 85004-5000
PHL (602) 282-6000

PH: (602) 382-6000
IC 1 ① 1

JCondo@swlaw.com

Acta Mathematica Scientia 2013, 33(10): 3333–3346

Attorneys for Defendants

Bard Peripheral Va